

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ANTHONY NATALE, JR., on behalf of himself)	
and all others similarly situated,)	
)	
Plaintiff)	CIVIL ACTION
)	NO. 05-11152-RCL
)	
v.)	
)	
GENERAL MOTORS CORPORATION,)	
)	
Defendant.)	
)	

PLAINTIFFS' MOTION TO REMAND

Plaintiffs, by and through their undersigned counsel of record, move this Court, pursuant to the provisions of 28 U.S.C. §1447, for an order remanding this consumer class action to the Superior Court for Essex County, Massachusetts. The Court should grant this Motion for the reasons set forth herein and in the accompanying Memorandum of Law.

No federal jurisdiction exists over this matter, as this action is not subject to the Class Action Fairness Act ("CAFA"), and the removing defendants cannot otherwise establish diversity jurisdiction. In addition, federal question jurisdiction does not exist under the express provisions of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301 *et. seq.*, because there are fewer than one hundred named plaintiffs. Accordingly, the removal of this action was improper, and this action should be remanded.

In support of this Motion, Plaintiff submits the accompanying Memorandum of Law in Support of Motion to Remand.

WHEREFORE, Plaintiffs respectfully request that this action be remanded to the

Superior Court for Essex County, Massachusetts.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Undersigned counsel certify that they have conferred with counsel for the Defendant in a good faith effort to resolve or narrow the issues relevant to this Motion. Counsel for Defendant has indicated that Defendant will oppose this motion.

DATED: July 26, 2005

Respectfully submitted,

GILMAN AND PASTOR, LLP

/s/ Kenneth G. Gilman

Kenneth G. Gilman, BBO #192760

David Pastor, BBO #391000

Douglas J. Hoffman, BBO #640472

GILMAN AND PASTOR, LLP

60 State Street, 37th Floor

Boston, MA 02109

Tel: (617) 742-9700

ATTORNEYS FOR PLAINTIFF